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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,282	10/16/2001	Tony A. Cranford	TSX-0003-US	2076

7590

11/18/2002

Supervisor, Patent Prosecution Services  
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EXAMINER

MARKS, CHRISTINA M

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 11/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/977,282

Applicant(s)

CRANFORD, TONY A.

Examiner

C. Marks

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☒ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

## **DETAILED ACTION**

### ***Oath/Declaration***

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because Applicant did not properly date their signature.

### ***Drawings***

The drawings are objected to for the following reasons involving the labeling of the flow charts:

- 1) The flow chart in FIG 6A indicates that after step 26, the flow proceeds to FIG 5B. The flow should proceed to FIG 6B. Furthermore, in FIG 6A, after step 25, the flow should proceed to FIG 6C, not FIG 5C as indicated by the drawings.
- 2) The flow chart in FIG 6B indicates that after step 32, the flow proceeds to FIG 5C when indeed it should proceed to FIG 6C. Furthermore, before step 27, the flow should have come from FIG 6A not FIG 5A.
- 3) The flow chart in FIG 6C indicates that before step 33, the flow came from FIGS 5A and 5B when indeed it came from FIG 6A and 6B.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

The abstract of the disclosure is objected to because “red” is improperly spelled as read (line 8). Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities:

- 1) The word red is improperly spelled as “read” on page 2, line 17.
- 2) The flow of FIG 6A is improperly labeled as going to FIG 5C after step 26 (page 9, line 12). The correct flow proceeds to FIG 6C.
- 3) The flow of FIG 6A is improperly labeled as going to FIG 5B after step 26 (page 9, line 16). The correct flow proceeds to FIG 6B.
- 4) The description given for FIG 5B is actually the description of FIG 6B (page 9, line 17).

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 9, 10-13 and 15-18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Woodland et al. (US Patent No 5,632,485).

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Woodland et al. disclose a method for playing a game of Blackjack, on both a gaming table and an electronic device, in accordance with the standard rules as well as an auxiliary game portion. A player will select to play in the Blackjack game by placing a wager (Column 3, line 58-60) as well as optionally selecting to participate in an auxiliary game by placing a side bet (Column 4, lines 10-12). The game of Blackjack is then played by dealing each player, as well as the dealer, two cards and providing the player and dealer the option to receive additional cards (Column 1, lines 48-50). The player's Blackjack hand is then compared to that of the dealer and a winner is determined (Column 2, lines 1-5). If the player wins the game, a return is paid based upon the player's bet. Upon completion of the Blackjack game, the side bet is then resolved (Column 4, line 30). In the electronic device, the cards are displayed on a terminal display (Column 5, lines 10-13), which inherently includes a processor and is in the form of a slot machine (FIG 2).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.

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3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Woodland et al. (US Patent No. 5,632,485) in view of Lee (US Patent No. 6,341,778).

What Woodland et al. disclose is discussed above and is incorporated herein.

Furthermore, Woodland et al. disclose a gaming table on which to perform the disclosed method. This table includes a table surface and a plurality of player locations. Each player location includes an indicated Blackjack bet location (FIG 1). Woodland et al. lack disclosing an indicated auxiliary bet location. Lee teaches establishing such an auxiliary betting location in a gaming table (FIG 1). One skilled in the art would have been motivated to establish this auxiliary betting location as taught by Lee into the gaming table disclosed by Woodland et al. in order to provide an easier interface to the player. By using separate betting locations, confusion as to which bet is which would be reduced, thus improving both the ease of the game for the player and the speed in which the dealer can complete transactions.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (US Patent No. 6,450,500) in view of Smith (US Patent No. 6,264,200).

Miller discloses a method to play Blackjack with an auxiliary game portion. Each player places their initial Blackjack wager and plays the game of Blackjack by being dealt two cards to each the player and the dealer and then allowing both to take additional cards if desired (Column 1, lines 20-40). Miller further discloses allowing the player to place a side bet (Column 2, lines 59-60). Upon completion of the game of Blackjack, it is determined whether or not the player wins the auxiliary portion. Miller discloses the auxiliary bet being a bet against a characteristic

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of the dealer's hand. Miller discloses this characteristic to be numerical value. Furthermore, Miller also discloses that a game appropriate for a side bet needs to be easy to understand and be able to keep the users interest and increases the opportunity for the player to win.

Smith furthers on the Miller disclosure of betting against the characteristics of a dealer's hand. Smith teaches of a card game that is based upon the well-known casino game of roulette. In this game, players bet on the chance of a certain characteristic of a card occurring (Abstract). Such possibilities that can be bet on include numerical value, all red, all black, odd or even. Smith teaches that incorporating roulette into a card game provides the player with a game that is easy to understand and people are attracted to (Column 2, lines 34-36). Furthermore, the game provides the player with a number of opportunities to bet on different outcomes at the same time (Column 2, lines 38-41).

The disclosure of Miller dictates the characteristics of a game that is ideal to be played as an auxiliary game to Blackjack. Smith teaches about the incorporation of roulette into a card game. From these teachings, one skilled in the art at the time of the invention would be motivated to incorporate the game taught by Smith into an auxiliary game as taught by Miller. By doing this, one would further the betting opportunities for the player as the number of characteristics that could be bet on would be expanded. One skilled in the art would do this because the game of Smith encompasses all the desirable characteristics of a side game. Smith teaches of an easy, attractive game with a number of player opportunities to win. Therefore, it would have been obvious to one skilled in the art at the time of invention to incorporate the teachings of gambling on a plurality of hand characteristics by Smith into the disclosure of Miller, which embodies games of ease, attractiveness and a plurality of gambling opportunities.

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Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodland et al. (US Patent No. 5,632,485) in view of Sines et al. (US Patent No. 6,270,404).

What Woodland et al. disclose is discussed above and is incorporated herein.

Woodland et al. disclose the usage of a gaming terminal to embody their invention. However, Woodland et al. lack a disclosure of the connections within these terminals. Sines et al. teach of a gaming system that uses a terminal monitor to display cards. The monitors are connected to the gaming processor via a network (Column 9, lines 43-46). Though Sines et al. discloses the monitors as being connected to processor by cable, it is very well known in the art that the internet is usable as a means to connect various computer hardware to other pieces of hardware. This is supported by the number of online gambling sites that allow players to participate in a gambling game from their own home computers while connected to the actual game processor over the Internet. Therefore, it would have been obvious to one skilled in the art at the time of invention to incorporate the teachings of Sines et al. along with that which is well known in the art into the construction of the Woodland et al. gaming device. One skilled in the art would be motivated to construct this combination in order to create an electronic version that is not limited to the number of seats or gaming terminals in a casino thus providing an increased profitability revenue based upon increased opportunity for usage by players.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

**US Patent No. 6,345,823:** Teaches it is well known to adapt table games into electronic video games by stating that a method of playing a disclosed card game can be readily implemented into a wide



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variety of additional forms and media including, single player slot video machines, multi-player slot video machines, electronic games and devices, and lottery terminals. Moreover, the invention can be readily implemented in software and used with a computer system (Column 2, lines 7-17). Therefore, any electronic embodiment would be an obvious embodiment over a table embodiment based upon these teachings.

**US Patent No. 6,095,525:** Twenty-one game with opportunities for players to place an auxiliary bet.

**US Patent No. 6,109,611:** Teaches of a card game that uses a roulette-type game. Allows for player to make bets such as even, odd, or red/black.

**US Patent No. 6,302,395:** Teaches of a combination game that incorporates both a card game and roulette.

**US Patent No. 6,345,824:** Bonusing feature for a game of Blackjack that allows the player to make a second auxiliary wager.

**US Patent No. 6,113,102:** Allows for a side hand wager to be placed on a Blackjack game where the wager is based upon the dealer's hand characteristics.

**US Patent No. 5,848,790:** Wagering game that allows a player to draw cards if desired and wager on even or odd.

**US Patent No. 6,206,375:** A blackjack game with a side wagering opportunity.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Marks whose telephone number is (703)-305-7497. The examiner can normally be reached on Monday - Friday (7:30AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, V. Martin-Wallace can be reached on (703)-308-1148. The fax phone numbers for

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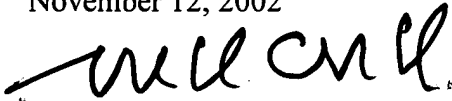
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the organization where this application or proceeding is assigned are (703)-872-9302 for regular communications and (703)-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1148.

*cmm*  
cmm

November 12, 2002

A handwritten signature in black ink, appearing to read "mcl cml", written over a horizontal line.

**MICHAEL O'NEILL  
PRIMARY EXAMINER**